

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-CV-257-BR

UNITED STATES OF AMERICA for
the use and benefit of SCHNEIDER
ELECTRIC BUILDING AMERICAS,
INC., SPC MECHANICAL
CORPORATION, and WATSON
ELECTRICAL CONSTRUCTION CO.,
LLC,

Plaintiffs,

v.

CBRE HEERY, INC. f/k/a HEERY
INTERNATIONAL, INC., TRAVELERS
CASUALTY AND SURETY COMPANY
OF AMERICA, LIBERTY MUTUAL
INSURANCE COMPANY, FIDELITY
AND DEPOSIT COMPANY OF
MARYLAND, and FEDERAL
INSURANCE COMPANY,

Defendants.

ORDER

This matter is before the court on Defendants' motion to quash a notice served by Plaintiffs for the deposition of non-parties on June 23, 2021, and June 25, 2021. Plaintiffs have responded, and the matter is ripe for ruling.

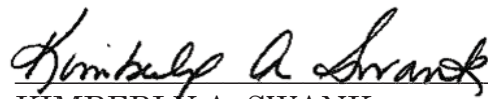
Rule 30 of the Federal Rules of Civil Procedure provides that "[a] party who wants to depose a person by oral questions must give reasonable written notice to every other party." Fed. R. Civ. P. 30(b)(1). What is reasonable depends upon the particular facts and circumstances, but the notice must give the parties reasonable

time to prepare for the deposition. *Ruth v. City of Creedmoor*, No. 5:13-CV-862-BR, 2015 WL 1815475, at *4 (E.D.N.C. Apr. 21, 2015).

The notice provided by Plaintiffs was not reasonable. At 9:50 p.m. on Sunday, June 20, 2021, Plaintiffs served Defendants with a notice for the deposition of two US Army Corps of Engineer employees. The notice provides that the deposition of Mr. Stephen T. Blanchard, Resident Engineer will be taken at 9:00 a.m. on June 23, 2021, and the deposition of Mr. Parker L. Sherard, Electrical Engineer will be taken at 9:00 a.m. on June 25, 2021. The parties had not previously discussed scheduling the depositions on these dates. Additionally, Plaintiffs were aware that Defendants' lead counsel would be in trial and not available on the dates noticed, as her schedule had been discussed at a Rule 16 nonfinal pretrial conference held three days earlier, on June 17, 2021.

Accordingly, the court GRANTS Defendants' motion to quash [DE #118]. The court will address the rescheduling of the depositions with the parties at the Rule 16 nonfinal pretrial conference scheduled for July 22, 2021, unless the parties mutually agree upon alternative dates for the depositions.

This 22nd day of June 2021.

A handwritten signature in black ink, appearing to read "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK
United States Magistrate Judge